

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW MARCONI,

No. C-05-01978 CW (EDL)

Plaintiff,

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION TO COMPEL**

v.

OFFICER ONE, et al.,

Defendants.

On July 17, 2006, Plaintiff filed a motion to compel seeking further responses to interrogatories and requests for production of documents. Plaintiff also sought attorney's fees and costs. Defendant opposed this motion and Plaintiff filed a reply. The Court held a hearing on August 29, 2006.

By the time of the hearing, the parties had resolved substantially all of the discovery issues raised by Plaintiff's motion. The remaining dispute involved Defendants' response to request for production of documents number 10: "All complaints made to the San Francisco Police Department arising out of alleged discrimination and/or harassment based on sexual orientation from January 1, 1999 to the present." As written, this request is overly broad; Plaintiff clarified at the hearing that the request sought complaints about discriminatory conduct by police officers. Defendants argued that to search for these complaints would be overly burdensome because they are not kept by this category and that unsustained complaints are less probative. Defendants shall produce any sustained complaints from January 1, 1999 to the present that would encompass complaints made for discrimination or harassment based on sexual orientation. Defendants shall also provide statistics sufficient to show the total number of complaints based on the closest category by which such statistics are kept, which appears to be "sexual slurs."

1 Further, in connection with Defendants' responses to all discovery, Defendants shall provide
2 Plaintiff with a declaration from the person most knowledgeable regarding the diligent search made
3 to find responsive documents.

4 Plaintiff's request for fees and costs is denied. Civil L.R. 7-8.

5 **IT IS SO ORDERED.**

6 Dated: September 1, 2006

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge